

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Joseph Shannon Dutton,)	
)	Civil Action No. 6:14-3847-TMC
Plaintiff,)	
)	
vs.)	ORDER
)	
Officer Andrew Guest;)	
Simpsonville Police Department;)	
Simpsonville Magistrate Court;)	
Greenville County;)	
Greenville County Detention Center; and)	
Unknown Clerk,)	
)	
Defendants.)	
)	

Plaintiff, proceeding *pro se*, filed this action pursuant to 42 U.S.C. § 1983. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge’s Report and Recommendation (“Report”), recommending that the court summarily dismiss Plaintiff’s case without prejudice and without service of process. (ECF No. 9). Plaintiff was advised of his right to file objections to the Report. (ECF No. 9 at 6). However, Plaintiff filed no objections to the Report, and the time to do so has now run.¹

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the

¹ The Report was initially mailed to Plaintiff at his last known address provided to the court but was returned as “undeliverable.” (ECF No. 10). At the direction of the court, on November 3, 2014, the Report was mailed to Plaintiff at a second address listed in the complaint. (ECF No. 14).

absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report and the record in this case, the court adopts the magistrate judge's Report (ECF No. 9) and incorporates it herein. It is therefore **ORDERED** that Plaintiff’s case is summarily **DISMISSED** without prejudice and without service of process.

IT IS SO ORDERED.

s/Timothy M. Cain
Timothy M. Cain
United States District Judge

November 25, 2014
Anderson, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.